

1. Plaintiffs filed this action on June 5, 2024, alleging causes of action against six Defendants¹ on a classwide basis for violations of several federal statutes (the WARN Act, ERISA, and COBRA) in connection with an April 30, 2024, reduction in force at White Rock Medical Center. [Doc. 1.] Defendant Health Care Services Corporation, a Mutual Legal Reserve Company operating in Texas as Blue Cross and Blue Shield of Texas (“HCSC”) filed a Motion to Dismiss. The remaining original defendants answered. [Doc. 14.] Plaintiffs thereafter amended to add the remaining defendants.² [Doc. 16.] HCSC filed a Motion to Dismiss it from the Amended Complaint. [Doc. 19.] That motion is pending.

2. The Parties are mindful of Local Rule 16.3(a), which provides that parties to civil action “must make good-faith efforts to settle” and that settlement negotiations “must begin at the earliest possible time.” Counsel for the Parties have conferred, and it is the position of all Parties that it is in their best interests to attempt to reach an early resolution with the help of an impartial third party. In particular, the Parties believe that a mediated settlement conference conducted by United States Magistrate Judge David L. Horan has the greatest potential to be productive at this stage (as opposed, for example, to a private mediation costing each side thousands of dollars in mediator’s fees). The Parties therefore jointly and respectfully request that the Court issue an order referring this case to Magistrate Judge Horan for purposes of conducting an early settlement conference, using the authority granted to it under Federal Rule of Civil Procedure 16, and as specifically contemplated in Local Rule 16.3(b).

RELIEF REQUESTED

For the foregoing reasons, the Parties respectfully request that the Court grant this Motion;

¹ Heights Healthcare of Texas, LLC, d/b/a White Rock Medical Center; NCP Management, LLC; Mirza Baig; Terry Fokas; National Payrolls Services, LLC; and Blue Cross Blue Shield of Texas.

² All of the newly-added defendants have agreed to waive service and will answer in due course.

enter an order referring the case to Magistrate Judge Horan for the purposes herein stated; and grant all other relief, general or special, at law or in equity, to which the Parties may be justly entitled.

Respectfully submitted,

TREMAIN ARTZA PLLC

/s/ Christine A. Hopkins

Christine A. Hopkins
Texas Bar No. 24095768
Ashley E. Tremain
Texas State Bar No. 24066209
4925 Greenville Ave., Suite 200
Dallas, TX 75206
(469) 573-0229
(214) 254-4941 (Fax)
christine@tremainartaza.com
ashley@tremainartaza.com

ATTORNEYS FOR PLAINTIFFS

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

/s/ Eric P. Mathisen

Eric P. Mathisen
15 West South Temple, Suite 950
Salt Lake City, UT 84101
Telephone: (801) 658-6048
eric.mathisen@ogletree.com

-and-

John M. Barcus
Texas Bar No. 24036185
8117 Preston Road, Suite 500
Dallas, TX 75225
(214) 313-2902
(214) 987-3927 (Fax)
john.barcus@ogletree.com

ATTORNEYS FOR DEFENDANTS³

REED SMITH LLP

/s/ Thomas C. Hardy

Martin J. Bishop
Texas Bar No. 24086915
John Tilton
Texas Bar No. 24130803
2850 N. Harwood Street, Suite 1500
Dallas, TX 75201
(469) 680-4200
(469)680-4299 (Fax)
mbishop@reedsmith.com
jtilton@reedsmith.com

³ Other than Defendant Health Care Service Corporation.

and

Thomas C. Hardy
10 S. Wacker Drive, 40th Floor
Chicago, IL 60606
(312) 207-2427
(312) 207-6400 (Fax)
thardy@reedsmith.com

**ATTORNEYS FOR DEFENDANT
HEALTH CARE SERVICE
CORPORATION**

CERTIFICATE OF SERVICE

On August 27, 2024, I filed the foregoing instrument using the Court's ECF system, which will provide notice to all parties registered to receive it.

/s/ John M. Barcus

John M. Barcus